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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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10 UNITED STATES OF AMERICA, ) No. CR 09-01168 RMW  
11 Plaintiff, )  
12 v. ) STIPULATION RE CONTINUANCE  
13 JAMES NELSEN, ) OF STATUS DATE; []  
14 Defendant. ) ORDER  
15 \_\_\_\_\_)

16 It is hereby stipulated between the defendant James Nelsen, by and through his attorney of  
17 record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B.  
18 Schenk, that the status date of March 19, 2012, at 9:00 a.m. be continued to March 26, 2012, at 9:00  
19 a.m. The reason for this continuance is that the psychiatrist retained to evaluate Mr. Nelsen has not  
20 completed his report. The psychiatrist will be out of the office from March 15, 2012, returning on  
21 March 20, 2012. He will be able to complete his report upon his return. Once the psychiatrist  
22 provides his opinion to defense counsel, defense counsel will need a few days to decide how to  
23 proceed. A continuance to March 26, 2012, will allow the expert sufficient time to complete the  
24 evaluation and consult with defense counsel.

25 Under Title 18 U.S.C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys  
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STIPULATION RE CONTINUANCE;  
[] ORDER

1 for the government and the defense the reasonable time necessary for effective preparation taking  
2 into the account the exercise of due diligence. Since defense counsel is awaiting the mental status  
3 evaluation, the time period from March 19, 2012, through March 26, 2012, should be excluded.

4 It is so stipulated.

5 Dated: March 14, 2012

Respectfully submitted,

6  
7 /s/ Vicki H. Young  
8 VICKI H. YOUNG, ESQ.  
9 Attorney for James Nelsen

10 Dated: March 14, 2012

MELINDA HAAG  
11 UNITED STATES ATTORNEY

12 /s/ Jeffrey B. Schenk  
13 JEFFREY B. SCHENK  
14 Assistant United States Attorney

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STIPULATION RE CONTINUANCE;  
[] ORDER

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**ORDER**  
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4 GOOD CAUSE BEING SHOWN, the status date appearance set for March 19, 2012, is  
5 continued to March 26, 2012. This Court finds that the period from March 19, 2012, through and  
6 including March 26, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The  
7 basis for such exclusion is that additional time is needed for defense counsel to receive the  
8 psychiatrist's completed report. Therefore the ends of justice served by such a continuance outweigh  
9 the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18  
U.S.C §3161(h)(7)(A).

10 As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of  
11 justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of  
12 the continuance would unreasonably deny both the attorney for the government and the attorney for  
13 the defendant reasonable time necessary for effective preparation, taking into account the exercise of  
14 due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

15 DATED: HEFÍ EFG

*Ronald M. Whyte*

16 RONALD M. WHYTE  
17 SENIOR UNITED STATES DISTRICT JUDGE  
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